

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jeffrey L. ) Application No. 911-020/DC-  
Pursley, Director of the ) 73  
Nebraska Telephone )  
Infrastructure and Public Safety )  
Department of the Nebraska )  
Public Service Commission )  
)  
Complainant, )  
)  
v. ) ORDER AMENDING FINE AGAINST  
) BULLSEYE TELECOM, INC.  
Budget Phone, Inc., d/b/a Budget )  
PrePay; BullsEye Telecom, Inc.; )  
Excel; Ionex Communications )  
North, Inc., a/k/a Birch )  
Telecom, Inc.; MCImetro Access )  
Transmission Services, LLC; NOS )  
Communications, Inc.; Orbit.com; )  
and Vartec, Respondent(s). )  
) Entered: February 27, 2007  
Defendants. )

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

By Petition filed on June 27, 2006, the Nebraska Telecommunications Infrastructure and Public Safety Department (Department) of the Nebraska Public Service Commission (Commission) filed a complaint seeking fines against those carriers who failed to file landline 911 reports pursuant to Neb. Rev. Stat. §86-437 (2004 Cum. Supp.). On January 9, 2007, the Commission entered an order sustaining the complaint in part and assessing fines against multiple carriers including BullsEye Telecom, Inc.(BullsEye). BullsEye was assessed the maximum fine of \$3300.00.

BullsEye had filed a landline 911 report on June 6, 2007; however, the report failed to include required information and was deemed insufficient to satisfy their statutory obligation. Subsequent to the entering of the January 9, 2007 order, BullsEye contacted the Commission and asserted that they did not have any knowledge of the deficiencies of the report they had filed. A search of correspondence did not reveal any notification to BullsEye that of the deficiencies in its report. Although, BullsEye should have contacted the Commission upon

receipt of the complaint, the company was under the impression that the fine that would be assessed would be based solely on the late-filed date of June 6, 2007. BullsEye has since submitted a complying report.

Based upon the above, the Commission finds that the fine assessed against BullsEye should be amended from \$3,300 to \$70.00, representing the amount that would have been assessed based upon the filing date of June 6, 2006. Furthermore, the Commission finds that BullsEye shall remit payment of the fine to the Commission within thirty (30) days of this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the fine assessed against BullsEye Telecom, Inc. be amended to \$70.00.

IT IS FURTHER ORDERED that BullsEye Telecom, Inc. shall remit such payment to the Commission within thirty (30) days of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 27<sup>th</sup> day of February, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director